

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

Bobby T. Sheppard,	:	Death Penalty Case
	:	
Petitioner,	:	Case No. 1:00cv493
	:	
-vs-	:	Judge Walter Herbert Rice
	:	
Margaret Bagley, Warden,	:	Magistrate Judge Merz
	:	
Respondent.	:	

**MOTION AND MEMORANDUM IN SUPPORT OF MOTION FOR EXTENSION
OF TIME TO FILE OBJECTIONS TO REPORT AND RECOMMENDATION
GRANTING IN PART AND DENYING IN PART REQUEST FOR WRIT OF
HABEAS CORPUS**

Petitioner, by and through his undersigned counsel, respectfully moves this Court for an extension of time in which to object to certain portions of the Court's June 1, 2004 Report and Recommendation. The Court has graciously granted one prior extension. Unfortunately, Counsel simply has not been able to bring to close Petitioner's objections, given the impressive size of the Report and Recommendation under review – a 110 page opinion. Accordingly, to ensure effective representation of this death penalty case, Petitioner requests that the deadline for filing objections be extended until July 2, 2004. Counsel for Respondent has been contacted and will not file an objection to this motion.

A proposed order has been sent to Judge Merz via e-mail pursuant to the Southern District Electronic Filing Policies and Procedures Manual.

Respectfully submitted,

s/Geoffrey J. Moul

Geoffrey J. Moul (0070663)

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CERTIFICATE OF SERVICE

I hereby certify that on June 25, 2004, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Charles L. Wille
Assistant Attorney General
Capital Crimes Section
30 E. Broad Street, 26th Floor
Columbus, OH 43215

s/Geoffrey J. Moul